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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,403	06/18/2007	Hiromi Inagaki	OCB-240-A	1269
21828 7590 03/31/2010 CARRIER BLACKMAN AND ASSOCIATES 43440 WEST TEN MILE ROAD EATON CENTER NOVI, MI 48375				
EXAMINER KING, BRADLEY T				
ART UNIT 3657		PAPER NUMBER		
NOTIFICATION DATE 03/31/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/593,403

Applicant(s)

INAGAKI ET AL.

Examiner

Bradley T. King

Art Unit

3657

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/226)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "the detachable lid member tool is a bolt screw fitted into the opening provided in the casing." "the detachable lid member tool" lacks antecedent basis, nor is it clear which disclosed element corresponds to the recitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 57-190903 in view of Shirey (US# 4215767).

JP 57-190903 discloses an actuator comprising; a casing (10, 3, 15) having a hollow bore formed therein; a piston (6) slidably fitted into a casing (1); a lock mechanism (2) provided within the casing so as to automatically lock in response to forward movement of the piston (6) in order to mechanically lock the piston (6) at a

forward position and unlock in response to a release control fluid pressure acting on the lock mechanism (2), the lock mechanism (2) comprising a lock piston (16) that is slidably fitted into the casing to the rear of the piston (6) so that the release control fluid pressure can act on the lock piston (16) toward the rear and a spring (22) provided in a compressed state between the lock piston (16) and the casing so as to exhibit a spring force that urges the piston (16) to move forward; a fluid pressure source; and a fluid pressure control mechanism for controlling a fluid pressure generated by the fluid pressure source so that the control fluid pressure and the release control fluid pressure can be obtained; an opening provided in a portion of the casing that the rear side of the lock piston (16) faces being closed by a separate, detachable lid member (19), a tool connection part being provided in a rear portion of the lock piston (16), and the tool connection part enabling a tool (23) inserted through the opening to be detachably connected to the tool connection part, wherein the tool is configured to be inserted through the opening from the outside of the casing and connected to the tool connection part to enable manual operation of the lock piston via the tool 23. JP 57-190903 lacks the explicit disclosure of the actuator being used in a parking brake. Shirey discloses a similar actuator and further teaches its use in a parking brake environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the actuator of JP 57-190903 in a parking brake environment, as demonstrated by Shirey, to provide secure and controllable locking to parking brake applications, thereby increasing the usefulness of the device.

Regarding claim 2, the tool 23 is a bolt. Note the 112 2nd rejection above.

Regarding claim 3, note rear end wall (end portion of wall 15, or end wall 3 and 15).

Regarding claim 4, note internal thread at 16. The passage is capable of communication if tool 23 is removed.

Regarding claim 6, note handle (knurled bolt head) which is capable of rearward movement.

Regarding claim 7, the diameter of the opening is larger than the diameter of the tool. Otherwise, the bolt would not be capable of being inserted to the position shown in the drawings. The threaded portion of the tool 23 also has a diameter reduced from that of the hole due to the threading.

Allowable Subject Matter

Claims 9-12 are allowed. Claim 9 has been interpreted as requiring both a lid member comprising a bolt, and a tool configured to be connected to the tool connection part.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 1/08/2010 have been fully considered but they are not persuasive.

Regarding the combination of JP '903 and Shirey, Applicant argues that the device of JP'903 is incompatible with the brake of Shirey. The Examiner notes that Shirey has been relied upon merely for knowledge of similar actuators in a parking brake environment. The rejection do not attempt to place the device of JP '903 in the brake system of Shirey. JP'903 merely lacks disclosure of the broadly recited "parking brake system." The actuator of JP '903 can clearly be used in a parking brake system since it is capable of being actuated and retracted. It is maintained that the rejections are proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

BTK